

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

JOHNNY LEE KELLEY,

Petitioner,

vs.

SHERIFF GREG BARTLETT and
THE ATTORNEY GENERAL OF
THE STATE OF ALABAMA,

Respondents.

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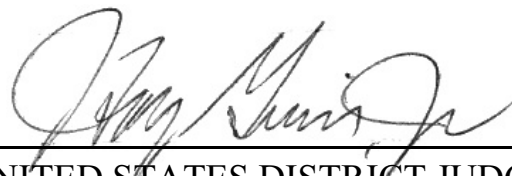
CV-08-JFG-RRA-2364-NE

MEMORANDUM OPINION

This is a habeas corpus petition. The magistrate judge entered a report and recommendation recommending that the action be dismissed to allow the petitioner to exhaust the remedies available to him in state court. No objections have been filed. The court has considered the entire file in this action, including the report and recommendation, and has reached an independent conclusion that the report and recommendation is due to be adopted and approved.

Accordingly, the court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. This habeas petition is due to be dismissed without prejudice. An appropriate order will be entered.

DONE and ORDERED 9 February 2009.



UNITED STATES DISTRICT JUDGE
J. FOY GUIN, JR.